

House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Wednesday, March 4, 1998

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 856—United States-Puerto Rico Political Status Act

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H.R. 856—United States-Puerto Rico Political Status Act

Floor Situation: The House is scheduled to consider H.R. 856 as its first order of business today. Yesterday, the Rules Committee granted an open rule that provides 90 minutes of general debate equally divided between the chairman and ranking minority member of the Resources Committee, Mr. Solomon, and Mr. Gutierrez. The rule makes in order a committee amendment in the nature of a substitute as base text and accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. In addition, the rule makes in order two specific amendments—by Mr. Solomon and Mr. Serrano—debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 856 creates a three-stage process to determine and implement a permanent political status for Puerto Rico. The three stages follow historical precedent set by Congress to resolve the final political status of territories. The three-stage process is as follows:

- * **Initial Decision Stage.** The bill authorizes the government of Puerto Rico to hold a referendum by December 31, 1998, whereby voters will choose between (1) preserving Puerto Rico as a commonwealth under the sovereignty of the United States and authority of Congress; (2) establishing separate sovereignty in the form of independence or free association; or (3) becoming a state of the Union. If the initial referendum does not result in a majority vote for either separate sovereignty or statehood, the bill authorizes an additional referendum at least once every 10 years;

- * **Transition Stage.** If a majority of voters choose either separate sovereignty or statehood, the president must submit legislation to Congress within six months to provide for a transition period of up to 10 years. In a second referendum, voters will then approve or disapprove the enacted transition plan; and
- * **Implementation Stage.** At least two years before the end of the transition period, the president must submit a joint resolution to Congress recommending a date to end Puerto Rico's transition to full self-governance. A third referendum will then be held to approve or disapprove the enacted terms of implementation.

The bill establishes expedited procedures to consider transition and implementation legislation in both the House and Senate. The bill earmarks existing federal excise taxes on imported rum, which are normally transferred directly to the government of Puerto Rico, to fund the referenda. CBO estimates that enactment will have no significant effect on the federal budget. The bill was introduced by Mr. Young; the Resources Committee reported the bill by a vote of 44-1 on May 21, 1997.

Views: An official position from the Republican leadership was unavailable at press time. The Clinton Administration supports passage of the bill.

Amendments: The Rules Committee granted an open rule that makes in order two specific amendments—by Mr. Solomon and Mr. Serrano—debatable in the order listed and for the amount of time specified below.

Mr. Solomon may offer an amendment (#3), debatable for one hour, to strike the bill's English language provisions and insert a new section to clarify and strengthen the bill's English language requirements. Specifically, the amendment:

- * establishes English as the "official language of the United States," and clarifies that, if Puerto Ricans choose statehood, the English language will be the sole official language of all federal government activities in Puerto Rico. In addition, the amendment does not create or change any rights to government services in languages other than English, and no U.S. citizen will be denied any rights in any state on account of the citizen's knowing only the English language;
- * requires that, if admitted as a state, Puerto Rico promote English as the official language of the state government, courts, and agencies, and requires that English be the official language of instruction in public schools;
- * specifies that the president, when submitting a transition plan (if statehood is chosen), must require the federal government to work with the government of Puerto Rico to implement programs and incentives that encourage and promote the acquisition of English; and
- * states a congressional "finding" similar to others in H.R. 856 that recognizes (1) the House of Representatives' declaration in 1996 that English is the official language of the United States government; (2) the important relationship of the English language

to the American union; and (3) the importance of the English language in securing the rights and benefits guaranteed under the Constitution to all U.S. citizens.

Proponents of the amendment argue that the bill's current English language provisions are weak and inadequate. They contend that admitting a state requires the assimilation of a territory within the Union of States. Because of its very clear language barrier, Puerto Rico is not ready to become a state since it will be unable to assimilate. According to the 1990 Census, only 24 percent of Puerto Rico's population is able to read, speak, or understand English fluently, which is largely due to the fact that Spanish is the official language of instruction in public schools. As written, the bill does nothing to ensure that Puerto Ricans—especially schoolchildren—learn in English if Puerto Rico becomes a state. In addition, a recent poll found that 74 percent of Americans believe Puerto Rico should be required to adopt English as its official language as a condition for statehood.

Opponents of the amendment argue that the bill addresses the English language issue in a very straight-forward manner. They point out that Puerto Rico has a history of promoting English since it has been an official language of Puerto Rico for nearly 100 years and the local government has enacted its own English language initiatives. Furthermore, the bill contains a provision which unequivocally states that all federal laws (current and future) regarding English will apply equally in all states, including Puerto Rico if voters choose statehood. In addition, this bill, for the first time, establishes in federal law that English is identified as the common language of understanding in the United States. Opponents continue to argue that any attempt to impose an English-only federal mandate on the state of Puerto Rico is unfair (since there is no similar mandate on any other state) and possibly unconstitutional. *Staff Contact: Eric Pelletier, x5-9191*

Mr. Serrano may offer an amendment (#2), debatable for 30 minutes, to allow individuals who were born in Puerto Rico, but who are not current residents on the island, to vote in the referendum authorized by the bill. *Staff Contact: Pichy Marty, x5-4361*

- * **Mr. Gutierrez and Ms. Velazquez** may offer a secondary amendment to the Serrano amendment to permit individuals who have at least one parent who was born in Puerto Rico to vote in the referendum authorized by the bill. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*
- * **Mr. Romero-Barcelo** may offer a secondary amendment (#44) to the Serrano amendment to require that non-resident votes be counted independently and that these votes will not be counted in determining which status option has received a majority of votes in the referendum. *Staff Contact: Astrid Jimenez, x5-2615*

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 856:

Mr. Barr may offer an amendment to require a 75 percent supermajority in the initial referendum on either statehood or independence for the process to continue to the transition and implementation stages. *Staff Contact: Glee Smith, x5-2931*

Mr. Gutierrez and Ms. Velazquez may offer a series of technical amendments (#4-#14, #27-#29, #32-#37, and #41) to modify the "table of contents" and "findings" sections, as well as other sections of the bill. Several amendments remove references to Puerto Rico as a territory. Two other

amendments change the description of the 1950 law which prescribed procedures for Puerto Rico to adopt its own constitution. Finally, two amendments note that the U.S. Supreme Court has never directly addressed the nature of Puerto Rico's political status. Specifically, other amendments:

- * strike the "findings" section in the bill;
- * strike the phrase "Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris" in section two of the bill;
- * change the description of the 1980 Supreme Court case which confirmed that Congress continues to exercise its constitutional powers over Puerto Rico under the territorial clause;
- * strike the 1993 ballot results from the "finding" regarding that plebiscite;
- * strike the term "United States citizens live in the islands of Puerto Rico" and insert "Puerto Ricans who are United States citizens;"
- * clarify the role of the 1960 United Nations Resolution 1541 in establishing avenues (i.e., U.N. recognized status options of independence, statehood, or free association available to territories) for future political status;
- * establish that the Puerto Rican population, according to the 1990 census, is greater than the populations of 26 states;
- * establish that approximately 3.3 million Puerto Ricans live in the United States and maintain a very close relationship with their relatives on the island;
- * recognize that the 1997 Supreme Court decision in *Ramirez de Ferrer v. Mari Bras* found there exists a Puerto Rican citizenship which is "separate and distinct" from U.S. citizenship and that persons born on the island who are Puerto Rican citizens may not be denied the right to vote in Puerto Rico even if they are not U.S. citizens;
- * state that Congress recognizes that Puerto Rico is sociologically and culturally a Caribbean and Latin-American nation with a distinctive culture that has Spanish as a common language;
- * strike the term "Separate Sovereignty" as it appears on the ballot and replace it with the term "Independence and Associated Republic;" and
- * strike the phrase referencing Puerto Rico being located "at the Southeastern-most boundary of our nation." *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#16) to allow individuals who live in the United States to vote in the referendum if they were born in Puerto Rico or have at least one parent who was born on the island. In addition, the amendment requests that the Puerto Rican Electoral Commission devise methods and procedures for these Puerto Ricans to register and vote in absentia in any referenda. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#17) to amend the definition of statehood to strike section seven regarding "English is the official language of business and communication in federal courts and agencies" and insert language stating that Spanish is an official language of Puerto Rico and its only vernacular (language or dialect native to a region or country) language of business and communication in state government, schools, and agencies as well as federal courts and agencies when they are acting in regard to Puerto Rico. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#18) to state that Spanish is the “vernacular” language, rather than the predominant language used by the majority of the people. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#19 or #20) to stipulate that English and Spanish will be the official languages of business and communication in the federal courts of Puerto Rico (currently only English is the official language). *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#21) to clarify that, should the voters choose statehood, Puerto Rico will retain its separate Olympic committee and compete under its own flag. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#22) to clarify that, should the voters choose statehood, Puerto Rico will continue to have its own representative in international beauty pageants. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#23) to require that the president submit legislation for a transition plan that will last no more than 180 days (instead of 10 years in the bill). In addition, the amendment strikes language requiring the president to submit a transition plan (if statehood is chosen) that requires the federal government to encourage and promote the acquisition of English in Puerto Rico. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#24) to amend the definition of statehood to require that (1) Puerto Rico remain free from federal income taxes until the state of Puerto Rico achieves the same per capita income as the state with the next lowest per capita income; and (2) Puerto Rico’s corporate tax breaks, as granted by the 1986 Tax Reform Act, continue for 20 years after Puerto Rico becomes a state. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#25) to clarify that no agency of the Puerto Rican government except the Commonwealth Elections Commission may use the funds made available in the bill to conduct the referendum. In addition, the amendment stipulates that funds made available which are used in the media must be distributed equitably among all major newspapers and radio and television stations in Puerto Rico. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#26) to require that, before holding an initial referendum under the bill, the enacted legislation (H.R. 856) must be approved by a majority of the qualified voters of Puerto Rico through an islandwide referendum. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#30) to clarify that nothing in the bill makes Puerto Rico an incorporated territory of the United States. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#31) to strike all the ballot definitions and have the voters choose between the three status options on the ballot without them being defined. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#38) to strike the section of the bill regarding inconclusive referenda. Under the bill, if the referendum is inconclusive, the bill requires a referendum no less than once every 10 years if neither statehood nor independence receive a majority of the vote in the initial decision stage. If a vote is inconclusive at the transition or implementation stage, then the president, in consultation with officials from the Puerto Rican government, the three political parties, and other interested parties, must submit recommendations to Congress within 180 days of the referendum with a plan to complete the self-determination process. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#39) to strike the section in the bill that earmarks funds to conduct the referenda. The bill earmarks existing federal excise taxes on imported rum to fund the referenda. Under current law, the federal government collects and then transfers these taxes to the government of Puerto Rico. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#40) to insert language that allows the three main political parties in Puerto Rico to submit a unanimous petition that requests Congress to authorize a referendum to allow Puerto Ricans to choose among the options described in the petition. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#41) to require that, 10 years after enactment, the bill will cease to have any effect. *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Gutierrez and Ms. Velazquez may offer an amendment (#43) to strike the provision stating that “Congress has the authority to expand existing English language requirements in the commonwealth of Puerto Rico.” *Staff Contact: Enrique Fernandez (Gutierrez), x5-8203; Catherine Cruz Wojtasik (Velazquez), x5-2361*

Mr. Rohrbacher may offer an amendment to change the initial referendum authorized in the bill from a choice between the three status options currently in the bill to a “yes or no” vote on both statehood and independence, thus striking the option to choose “commonwealth” as defined by the bill. The sponsor of the amendment argues that the amendment is consistent with the historical statehood petition process (a majority of voters selecting statehood based on a “yes or no” vote) that both Alaska and Hawaii followed to gain statehood. *Staff Contact: Spencer Freebairn, x5-2415*

Mr. Schumer may offer an amendment (#45) to clarify that no results of the referenda will alter the fundamental rights or citizenship of U.S. citizens in Puerto Rico. The additional language emphasizes the continued protection of Puerto Rican's civil liberties as provided by the U.S. Constitution. Specifically, the bill alters the definition of "separate sovereignty" on the ballot to clarify that U.S. citizens of Puerto Rico will be allowed to have dual citizenship (U.S. and Puerto Rico) if the voters choose that option. *Staff Contact: Bill McGeveran, x5-6616*

Mr. Schumer may offer an amendment (#46 or #47) to allow individuals who live in the United States (including other territories or military bases) to vote in the referendum if they were born in Puerto Rico or have at least one parent who was born on the island. *Staff Contact: Bill McGeveran, x5-6616*

Mr. Stearns may offer an amendment (#48) to strike the provision authorizing a referendum every 10 years if the voters fail to approve statehood or independence by a majority. Instead, the amendment authorizes a second referendum no later than 90 days after the initial ballot to vote on the two status options that received the most votes in the first referendum. The remaining two options will be presented using the same ballot language that was used in the initial referendum. *Staff Contact: Veronica Crowe, 5-5744*

Additional Information: See *Legislative Digest*, Vol. XXVI, #4, February 27, 1997

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PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

